

### REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-26 are currently pending. Claims 24-26 have been added by the present amendment. The additions to the claims are supported by the originally filed specification and do not add new matter.<sup>1</sup>

In the outstanding Office Action, Claims 1-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0117494 to Mitchell et al. (hereinafter “the ‘494 application”) in view of U.S. Patent No. 7,099,947 to Nadeau et al. (hereinafter “the ‘947 patent”).

### SUMMARY OF SUBSTANCE OF INTERVIEW

Applicants wish to thank Examiners Fearer and Jean Gilles for the interview granted Applicants’ representative on October 27, 2008, at which time the outstanding rejections of Claims 1 and 2 under 35 U.S.C. § 103(a) were discussed. In particular, whether the ‘494 application and the ‘947 patent, alone or in proper combination, teach the “determining” and “removing,” as recited in Claim 1. Further, it was noted that the ‘494 application and the ‘947 patent do not appear to teach performing further tests, as defined in dependent Claim 2. The Examiners indicated that the rejections of Claims 1 and 2 would be reconsidered upon formal submission of a response to the Office Action.

### REJECTIONS UNDER 35 U.S.C. § 103

Previously presented Claim 1 is directed to

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<sup>1</sup> See, e.g., paragraphs [0108] and [0188] of Applicants’ specification; also see Fig. 37.

[a] method of determining which, if any, communication protocols can be used to extract status information related to a network device, comprising:

selecting a communication protocol among a plurality of communication protocols;

obtaining, from a device object associated with the network device, information for accessing the network device using the selected communication protocol;

*determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object;*

*if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol; and*

if the determining step determines that the network device can be accessed using the selected communication protocol, performing further tests to determine whether the selected communication protocol can be used to extract the status information from the network device.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the ‘494 application is directed to a method and system for dynamically reconfiguring pervasive device communication channels. In particular, the ‘494 application discusses that each channel 142, 158 includes a single protocol element 136, 162 that defines or understands low-level network protocol stacks such as UDP, HTTP, Bluetooth, and the like and one or more of the filters 138, 164 which define or understand higher level protocols such as application level protocols (*e.g.*, SOAP and the like), compression, and other application-level protocols.<sup>2</sup>

As discussed during the interview, the Office Action cites the ‘494 decision point for using CLDC or CDC (*see* paragraph [0032], line 12), and the Examiners further cited the selection of protocol element 286 from available protocol elements 216 (*see* paragraph [0032], lines 10 and 11), for teaching the “determining” recited in Claim 1. Further, the

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<sup>2</sup> See ‘494 application, paragraph [0025].

Office Action cites the ‘494 removal of outdated filters or protocol elements (*see* paragraph [0037], lines 17-19) for teaching the “removing” recited in Claim 1.

However, it is respectfully submitted that the ‘494 application fails to disclose determining if the network device **can be accessed** using the selected communication protocol and the information for accessing the network device obtained from the device object. Rather, as noted in the Office Action, the ‘494 application simply discusses that a communications manager 132 and service components 140, 154 are built up on a standardized service framework (*e.g.*, OSGi, J2ME, CLDC, and CDC) to facilitate composing the service components 140, 154 from a minimal code set with no or little duplication. The ‘494 application discusses that **the decision point for using CLDC or CDC is the capability, memory, and size of the client 130, 150.**<sup>3</sup> The ‘494 application does not disclose *determining if the network device can be accessed* using the service components 140, 154, or that the decision point includes *determining if the network device can be accessed* using the selected communication protocol and the information for accessing the network device obtained from the device object, as defined in Claim 1.

Additionally, as discussed during the interview, the ‘494 application discusses a communications channel 272 that includes an out channel 284 with a protocol element 286 selected from the available protocol element 216, but differing from the protocol element 278 of the in channel 276, and with a channel filter 288 again selected from the filters 218 to differ from the channel filter 280.<sup>4</sup> The ‘494 application does not disclose that the selection of the protocol element 286 includes *determining if the network device can be accessed* using the selected communication protocol and the information for accessing the network device obtained from the device object, as defined in Claim 1.

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<sup>3</sup> See ‘494 application, paragraph [0026].

<sup>4</sup> *Id.* at paragraph [0032].

Further, it is respectfully submitted that the '494 application fails to disclose that if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the network device using the selected communication protocol. Rather, as noted in the Office Action, the '494 application simply discusses that when new protocol plug-ins and/or add-on filters are received, the sets of available protocol elements and/or filters are updated by loading or storing the received items as available to the services (and this may include removing outdated filters or protocol elements from the set of available filters and protocol elements).<sup>5</sup> The '494 application does not disclose that the outdated filters or protocol elements are removed *if the determining step (i.e., the cited '494 decision point or selection of protocol element 286) determines that the network device can not be accessed* using the selected communication protocol and the information for accessing the network device obtained from the device object, as defined in Claim 1.

Moreover, it is respectfully submitted that the '947 patent fails to remedy the deficiencies of the '494 application, as discussed above. The '947 patent is directed to a method and apparatus for providing controlled access of requests from virtual private network devices to managed information objects using the simple management protocol. In particular, the Office Action cites the '947 patent for teaching that a VACM MIB Table and associated MIB views are used for access control.<sup>6</sup>

However, it is respectfully that the '947 patent fails to disclose determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object; and if the determining step determines that the network device can not be accessed using the selected communication protocol, removing, from the device object, the information for accessing the

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<sup>5</sup> See '494 application, paragraph [0037].

<sup>6</sup> See Office Action dated August 20, 2008, page 7.

network device using the selected communication protocol. Further, the Office Action does not rely on the '947 patent for teaching those features.

Thus, no matter how the teachings of the '494 application and the '947 patent are combined, the combination does not teach or suggest the "determining" and the "removing" defined in Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and all associated dependent claims) as being unpatentable over the '494 application and the '947 patent.

Previously presented Claim 9 recites, in part,

means for determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object;

means for removing, from the device object, the information for accessing the network device using the selected communication protocol, when the means for determining determines that the network device can not be accessed using the selected communication protocol.

As noted above, the '494 application and the '947 patent, alone or in proper combination, fail to disclose the "determining" and "removing" recited in Claim 1. Thus, the '494 application and the '947 patent fail to disclose the means for determining and the means for removing of Claim 9. Accordingly, Applicants respectfully traverse the rejection of Claim 9 (and all associated dependent claims) as being unpatentable over the '494 application and the '947 patent.

Previously presented Claim 16 recites, in part,

instructions for determining if the network device can be accessed using the selected communication protocol and the information for accessing the network device obtained from the device object;

instructions for removing, from the device object, the information for accessing the network device using the selected communication protocol, when the instructions for determining

determine that the network device can not be accessed using the selected communication protocol.

As noted above, the '494 application and the '947 patent, alone or in proper combination, fail to disclose the "determining" and "removing" recited in Claim 1. Thus, the '494 application and the '947 patent fail to disclose the instructions for determining and the instructions for removing of Claim 16. Accordingly, Applicants respectfully traverse the rejection of Claim 16 (and all associated dependent claims) as being unpatentable over the '494 application and the '947 patent.

Regarding the rejection of dependent Claims 2, 10, and 17 under 35 U.S.C. § 103(a), the Office Action apparently acknowledges, and it is respectfully submitted, that the '494 application fails to disclose performing further tests, means for performing further tests, and instructions for performing further tests, as recited in Claims 2, 10, and 17, respectively. Rather, the Office Action relies on the '947 patent for such teachings.

However, as discussed during the interview, it is respectfully submitted that the '947 patent fails to remedy the deficiencies of the '494 application. Accordingly, Applicants respectfully traverse the rejection of dependent Claims 2, 10, and 17 as being unpatentable over the '494 application and the '947 patent.

### CONCLUSION

The present amendment also sets forth new Claims 24-26 for examination on the merits. No new matter has been added. It is respectfully submitted that these more detailed features are not disclosed or suggested by the '494 application and the '947 patent.

Thus, it is respectfully submitted that independent Claims 1, 9, and 16 (and all associated dependent claims) patentably define over any proper combination of the '494 application and the '947 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

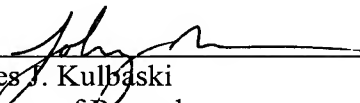
Respectfully submitted,

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